

REMARKS

This application has been reviewed in light of the Office Action dated February 21, 2008. Claims 94-138 are presented for examination. Claims 74 has been canceled, without prejudice or disclaimer of subject matter. Claims 94, 109-124, and 135 have been amended to define more clearly what Applicants regard as the invention. Claims 94, 109, and 124 are in independent form. Favorable reconsideration is requested.

Summary of Substance of Interview

Applicants would like to thank the Examiner for conducting a telephonic interview on June 4, 2008 with Applicants' undersigned representative. It is believed that the Examiner's Interview Summary in conjunction with the remarks made herein adequately summarize the substance of the interview, in accordance with M.P.E.P. § 713.04.

Objections to the Claims

Claim 135 has been amended in response to the objection thereto. Withdrawal of the objection is respectfully requested.

Rejections Under 35 U.S.C. § 101

Claims 109-123 were rejected under 35 U.S.C. § 101 as not being directed to statutory subject matter. Specifically, the Office Action states that the claims may include signals, which have been deemed to be non-statutory. A related objection was made to the specification.

Without conceding the propriety of this rejection and solely to expedite prosecution, Claim 109 has been amended along the lines discussed during the interview to recite "[a] computer readable storage medium storing computer-executable instructions" The claims depending from Claim 109 have been amended in a consistent manner. As such, Claims 109-123 clearly are

directed to a storage medium, which is a “manufacture” in the sense of 35 U.S.C. § 101, and these claims therefore are directed to statutory subject matter:

[A] process, machine, manufacture, or composition of matter employing a law of nature, natural phenomenon, or abstract idea is patentable subject matter even though a law of nature, natural phenomenon, or abstract idea would not, by itself, be entitled to such protection.

State Street Bank & Trust Co. v. Signature Financial Group Inc., 47 USPQ2d 1596, 1601 (Fed. Cir. 1998). Accordingly, reconsideration and withdrawal of the rejection of Claims 109-123 and the objection to the specification are respectfully requested.

The Office Action notes that a large number of references have been submitted in this application in Information Disclosure Statements (IDS's).

Generally speaking, the policies, rules, and procedures of the U.S. Patent and Trademark Office favor the filing of IDS's. The M.P.E.P. provides the following guidance in this regard:

In nonprovisional applications filed under 35 U.S.C. 111(a), applicants and other individuals substantively involved with the preparation and/or prosecution of the application have a duty to submit to the Office information which is material to patentability as defined in 37 CFR 1.56. The provisions of 37 CFR 1.97 and 37 CFR 1.98 provide a mechanism by which patent applicants may comply with the duty of disclosure provided in 37 CFR 1.56. Applicants and other individuals substantively involved with the preparation and/or prosecution of the patent application also may want the Office to consider information for a variety of other reasons; e.g., to make sure that the examiner has an opportunity to consider the same information that was considered by these individuals, or by another patent office in a counterpart or related patent application filed in another country.

M.P.E.P. § 609.

As discussed during the interview, multiple IDS's were filed in the present application in order to comply with the duty of disclosure and to cross-cite references from the related cases in the same patent family (i.e., continuations, CiP's, and divisionals). All of the submitted IDS's are believed to be in compliance with 37 CFR §§1.97 and 1.98.

Applicants note that “[o]nce the minimum requirements of 37 CFR 1.97 and 37 CFR 1.98 are met, the examiner has an obligation to consider the information.” M.P.E.P. § 609 (emphasis added). Furthermore, “[m]ultiple information disclosure statements may be filed in a single application, and they will be considered, provided each is in compliance with the appropriate requirements of 37 CFR 1.97 and 37 CFR 1.98.” M.P.E.P. § 609 (emphasis added).

Nevertheless, in a spirit of cooperation and in order to ease the burden on the Examiner, Applicants submit herewith an Information Disclosure Statement providing a listing of the non-patent references previously submitted in this application along with a brief description of each.

Accordingly, Applicants respectfully request that the Examiner return copies of the submitted SB-08 and 1449 forms with all of the references initialed.

Rejections Under 35 U.S.C. § 103

Claims 94-99, 101, 103-105, 109-114, 116, 118, 119, 120, 124-129, 131, and 133-137 were rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 6,460,034 (“Wical”) in view of U.S. Patent No. 5,819,273 (“Vora”). Claims 100, 115, 130 were rejected as obvious over Wical in view of Vora and U.S. Patent No. 6,236,987 (“Horowitz”). Claims 102, 117 and 132 were rejected as obvious over Wical in view of Vora and U.S. Patent No. 6,633,860 (“Afek”). Claims 106-107 and 121-122 were rejected as obvious over Wical in view of Vora and U.S. Patent No. 5,991,751 (“Rivette”). Claims 108, 123, and 138 were rejected as obvious over Wical in view of Vora and U.S. Patent No. 6,633,316 (“Maddalozzo”).

Claim 94 is directed to a method for presenting materials corresponding to a navigation state. The method includes receiving a user selection of an expression of attribute-value pairs. The method further includes producing a plurality of refinement options by, in each of a plurality of servers, processing the expression of attribute-value pairs to produce at least one refinement option; and combining the plurality of refinement options to form combined refinement options, the combined refinement options including at least one refinement navigation state. The method further includes determining a navigation state associated with the expression of attribute-value pairs and

providing materials associated with the navigation state. The method further includes providing the combined refinement options.

Wical relates to a knowledge base search and retrieval system that performs factual knowledge base queries and concept knowledge base queries. The knowledge base stores associations among terminology/categories that have a lexical, semantic or usage association. Document theme vectors identify the content of documents through themes as well as through classification of the documents in categories. The factual knowledge base queries identify, in response to an input query, documents relevant to the input query through expansion of the query terms as well as through expansion of themes. The concept knowledge base query does not identify specific documents in response to a query, but specifies terminology that identifies the potential existence of documents in a particular area. (see Wical Abstract).

As acknowledged in the Office Action, Wical does not describe or suggest producing a plurality of refinement options by, in each of a plurality of servers, processing the expression of attribute-value pairs to produce at least one refinement option; and combining the plurality of refinement options to form combined refinement options, as recited in Claim 94. The Office Action turns to Vora for this feature.

Vora relates to performing searches in a network environment in which multiple searches may be run at the same time. Data stored on storage devices coupled to an internet server (63) may be searched using software on the internet server (63) which is similar to the software on the local network server (9) and which receives search requests from the local network server (9) and responds to the server (9) with the results of the search requests. The server (9) combines the results of such remote searches with the results of the search the server (9) performs on data stored in local storage devices (17) coupled to the server (9). The combined search results are displayed to a user of a client system (33) within one window.

Applicants respectfully submit that Vora does not supply what is missing from Wical, with respect to the features of Claim 94 discussed above, because Vora merely provides a method of combining the display of text-based search results from multiple separate searches in a common window. There is no contemplation in Vora of the intricacies of combining refinement options, as

opposed to simply combining text. Furthermore, it is respectfully submitted that Vora cannot properly be read so broadly as to teach “take anything from separate servers and combine it.” Such an interpretation goes well beyond what Vora would teach to one of ordinary skill in the art.

By contrast, Claim 94 recites producing a plurality of refinement options by, in each of a plurality of servers, processing the expression of attribute-value pairs to produce at least one refinement option; and combining the plurality of refinement options to form combined refinement options. To make this distinction even clearer, Claim 94 has been amended to recite “the combined refinement options including at least one refinement navigation state.” The combination of Wical and Vora simply does not describe or suggest determining refinement options on each of a plurality of servers, much less the formation of a combined navigation state from refinement options determined on each of a plurality of servers.

Accordingly, Claim 94 is believed to be patentable over the combination of Wical and Vora. In addition, Claims 109 and 124 recite features similar to those discussed above with respect to Claim 94 and therefore are also believed to be allowable over the combination of Wical and Vora.

Claims 94-100, 101, 103-105, 107, 109-116, 118-119, 120, 122, 124-130, 131, 133-137 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,236,987 (“Horowitz”) in view of Vora. Claims 102, 117 and 132 were rejected as obvious over Horowitz in view of Vora and Afek. Claims 106-107, 121-122 were rejected as obvious over Horowitz in view of Vora and Rivette. Claims 108, 123, 138 were rejected as obvious over Horowitz in view of Vora and Maddalozzo.

Horowitz relates to an information system that uses a knowledge base containing topics and subtopics to search a collection of documents.

As with Wical, the Office Action acknowledges that Horowitz does not describe or suggest producing a plurality of refinement options by, in each of a plurality of servers, processing the expression of attribute-value pairs to produce at least one refinement option; and combining the plurality of refinement options to form combined refinement options, as recited in Claim 94. Again, the Office Action turns to Vora for this feature.

Applicants respectfully submit that Vora does not supply what is missing from Horowitz as a reference against Claim 94 for the same reasons discussed above with respect to the combination of Wical and Vora.

Accordingly, Claim 94 is believed to be patentable over the combination of Horowitz and Vora. In addition, Claims 109 and 124 recite features similar to those discussed above with respect to Claim 94 and therefore are also believed to be allowable over the combination of Horowitz and Vora.

The remaining references cited in the Office Action against the dependent claims, taken alone or in combination with Wical, Horowitz, and Vora, also are not believed to describe or suggest the features of Claim 94 discussed above.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Respectfully submitted,

Dated: August 21, 2008

/Carl B. Wischhusen/
Carl B. Wischhusen
Registration No.: 43,279
Attorney for Applicant(s)

Wilmer Cutler Pickering Hale and Dorr LLP
399 Park Avenue
New York, New York 10022
(212) 230-8800 (telephone)
(212) 230-8888 (facsimile)